

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

May 23, 2002

IN RE:

**PETITION OF CHATTANOOGA GAS COMPANY
FOR APPROVAL OF CHANGE IN PURCHASE GAS
ADJUSTMENT**

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DOCKET NO. 02-00383

ORDER GRANTING PETITION TO INTERVENE

This matter is before the Tennessee Regulatory Authority ("Authority") upon the Petition of Chattanooga Gas Company ("Chattanooga") for Approval of Tariff Modifying PGA Rider. At a regularly scheduled Authority Conference held on May 7, 2002, the Authority appointed General Counsel or his designee to act as Hearing Officer, to hear this matter and to issue an Initial Order on the merits. On May 7, 2002, a Pre-Hearing Conference was held for the purpose of setting a procedural schedule and a Hearing date. The Pre-Hearing Conference was attended by counsel for and representatives of Chattanooga and the Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate"). The Consumer Advocate participated in the Pre-Hearing Conference, without objection from Chattanooga, in anticipation of filing a petition to intervene.

On May 9, 2002, the Consumer Advocate filed a Petition to Intervene. In the Petition to Intervene, the Consumer Advocate asserts that Chattanooga's Petition in this docket seeks to change Chattanooga's tariff to create a "fixed rate" for cost of gas which would be a part of the

consumer's monthly bill. The Consumer Advocate seeks intervention to oppose the tariff on the grounds that the tariff contains a risk premium that is too high and is not reasonable for consumers.

Criteria for Permitting Intervention

Tenn. Code Ann. § 4-5-310(a) sets forth the following criteria for granting petitions to intervene:

- (a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if;
 - (1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;
 - (2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of the law; and
 - (3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

The Hearing Officer finds that the Petition to Intervene filed by the Consumer Advocate was timely filed and served and substantiated that the legal interests of the intervenor may be determined in this matter. As the parties have already engaged in discovery prior to the Pre-Hearing Conference and have submitted pre-filed testimony, the Hearing Officer finds that the interests of justice and the orderly and prompt conduct of this matter will not be impaired by allowing this intervention.

Upon applying the standards set forth in Tenn. Code Ann. § 4-5-310(a), the Hearing Officer grants the Petition to Intervene filed the Consumer Advocate.

IT IS THEREFORE ORDERED THAT:

The Consumer Advocate and Protection Division, Office of the Attorney General, is hereby given leave to intervene and receive copies of any notices, orders or other documents herein.

J. Richard Collier
J. Richard Collier
Hearing Officer

ATTEST:

KD Waddell
K. David Waddell, Executive Secretary